

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

CASE NO. _____

RAYMOND GAGNON

PLAINTIFF

V.

**UNITED STATES OF AMERICA
and SHERRI ANDRADE**

DEFENDANTS

* * * * *

COMPLAINT FOR DAMAGES UNDER THE FEDERAL TORT CLAIMS ACT

Plaintiff, Raymond Gagnon ("Gagnon"), by counsel, for his Complaint against the Defendant, United State of America, states as follows:

INTRODUCTION

1. This is an action against the Defendant United States of America under the Federal Tort Claims Act, (28 U.S.C. §2671, *et seq.*) and 28 U.S.C. §1346(b)(1), for negligence in connection with an automobile accident which occurred on August 14, 2013 in Providence, Rhode Island. The claims herein are brought against the Defendants pursuant to the Federal Tort Claims Act (28 U.S.C. §2671, *et seq.*) and 28 U.S.C. §1346(b)(1), for money damages as compensation for personal injuries caused by the Defendant's negligence.
2. Plaintiff Gagnon has fully complied with the provisions of 28 U.S. §2675 of the Federal Tort Claims Act. *Standard Form 95 attached as Exhibit 1.*
3. This suit has been timely filed, in that Plaintiff Gagnon timely served notice of his claim on the United States Postal Service less than two years after the incident forming the basis of this suit.
4. Plaintiff Gagnon is now filing this Complaint pursuant to 28 U.S.C. § 2401(b) after receiving from the United States Postal Service, Law Department, National Tort Center the January 3,

2018 notice of “final denial of administrative claim.” *Administrative Tort Claim Denial Letter attached as Exhibit 2*

PARTIES, JURISDICTION AND VENUE

5. Plaintiff Raymond Gagnon is, and all times relevant hereto was, a resident of the City of Pawtucket, County of Providence, State of Rhode Island.
6. Defendant, United States of America, through its agency, the United States Postal Service owns and operates postal trucks in the delivery of mail and operates the United States Postal Office located at 2055 Diamond Hill Road, Cumberland, RI.
7. Defendant, SHERRI ANDRADE is, and all times relevant hereto was a resident of the City of Pawtucket, County of Providence, State of Rhode Island.
8. At all times relevant hereto, Defendant SHERRY ANDRADE was an employee of the United States Postal Service.
9. Defendant UNITED STATES OF AMERICA through its agency, the UNITED STATES POSTAL SERVICE is responsible for the negligent acts of its employees and agents
10. On or about August 14, 2013 Plaintiff, RAYMOND GAGNON, was operating a motor vehicle, with the permission of its owner, Pascale Service Corp. northbound on Broad Street in Town of Cumberland, State of Rhode Island.
11. On or about August 14, 2013 Defendant, SHERRI ANDRADE, was operating a motor vehicle with the permission of its owner, UNITED STATES POSTAL SERVICE, which is an agency of Defendant, UNITED STATES OF AMERICA westbound on Blackstone Street, in the Town of Cumberland, State of Rhode Island.
12. On or about August 14, 2013, Defendant, SHERRI ANDRADE negligently caused the motor vehicle she was operating to collide with the Plaintiff's motor vehicle.
13. At all times Plaintiff, RAYMOND GAGNON, was in the exercise of due care.
14. As a direct and proximate result of the negligence of the Defendant, SHERRI ANDRADE, Plaintiff, RAYMOND GAGNON, sustained injuries which some are permanent, suffered pain and discomfort of the body, a loss of enjoyment of life, suffered a loss of wages and/or earning capacity, and incurred expensed for proper medical care and treatment.
15. Jurisdiction is proper under 28 U.S.C. §1346(b)(1).

16. Venue is proper under 28 U.S.C. §1402(b) in that all, or a substantial part of the acts and omissions forming the basis of these claims occurred in the District of Rhode Island.

WHEREFORE, Plaintiff, RAYMOND GAGNON, does hereby pray that judgment be entered in his favor and against the Defendants as follows:

1. Medical expenses, lost wages, pain and suffering, future impairment, and loss of enjoyment of life totaling \$175,000.00; and
2. Costs and attorneys' fees incurred in this civil action, together with such further and additional relief at law or in equity that this Court may deem proper.

PLAINTIFF'S DEMAND FOR JURY TRIAL

Plaintiff, hereby demands a Trial by Jury in the above-entitled case.

Respectfully submitted,

/s/ Michael A. St. Pierre

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Dated: June 26, 2018